

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
CASE NO. 1:14-CV-954**

STUDENTS FOR FAIR ADMISSIONS, INC.,)	
)	
)	
Plaintiffs,)	
)	JOINT STIPULATION AND
v.)	MOTION TO PERMIT
)	DEFENDANT-INTERVENORS
THE UNIVERSITY OF NORTH)	ACCESS TO CERTAIN
CAROLINA AT CHAPEL HILL, et al.,)	CONFIDENTIAL INFORMATION
)	
Defendants.)	
)	
and)	
)	
LUIS ACOSTA, et al.,)	
)	
Defendant-Intervenors.)	

**JOINT STIPULATION AND MOTION
TO PERMIT DEFENDANT-INTERVENORS
ACCESS TO CERTAIN CONFIDENTIAL INFORMATION**

Defendants The University of North Carolina at Chapel Hill, et al. and the Defendant-Intervenors respectfully request that the Court grant this motion and enter a Stipulation allowing the Intervenors access to certain and limited confidential information on an attorneys’ eyes only basis.

On January 13, 2017, the Court granted the Intervenors permission to participate in discovery and to present evidence on “the following two issues: (a) the history of segregation and discrimination at UNC-Chapel Hill and in North Carolina; and (b) the effect of UNC-Chapel Hill’s existing, and SFFA’s proposed, admissions processes on the critical mass of diverse students at UNC-Chapel Hill.” (Dkt. 79 at 14.) The Court also ordered that

the Intervenor “will not be permitted access to any confidential information that may be produced in discovery between the parties.”

On January 12, 2018, the parties served affirmative expert reports. Certain of these expert reports, including the reports served by Plaintiff Students for Fair Admissions as well as certain of Defendants’ expert reports, contain and/or rely upon information designated confidential by Defendants pursuant to the Amended Confidentiality and Protective Order (Dkt. 61 (“Protective Order”)). As a result, Intervenor was not served with copies of these expert reports.

Because the information was designated confidential by Defendants, counsel for Defendants and Intervenor have met and conferred regarding this topic and stipulate and agree that counsel for the Intervenor should be allowed to review the January 12, 2018 expert reports submitted in this matter on an attorneys’ eyes only basis. This review will enable Intervenor to assess whether any rebuttal expert testimony on the two topics on which the Court permitted intervention is warranted. Should Intervenor determine that such rebuttal expert testimony is warranted, they will be allowed to share such confidential information with any expert retained by them to draft any such rebuttal testimony, subject to the same restrictions set forth in the Protective Order. (Protective Order § 4.2.5.) Plaintiff takes no position on this motion.

Accordingly, Defendants and Intervenor jointly respectfully request that the Court enter the proposed Stipulation, attached hereto as Exhibit 1.

Respectfully submitted this 30th day of January, 2018.

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CERTIFICATE OF SERVICE

I hereby certify that on January 30, 2018, I filed a true and correct copy of the foregoing JOINT STIPULATION AND MOTION TO PERMIT DEFENDANT-INTERVENORS ACCESS TO CERTAIN CONFIDENTIAL INFORMATION with the Clerk of Court using the CM/ECF system.

/s/ Lara Flath
Lara Flath